

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application. Claims 1-15 are currently pending in this application. None of the claims have been amended. Accordingly, no new matter has been added.

In view of the remarks herein, Applicants respectfully request that the Examiner withdraw all outstanding rejections and allow the currently pending claims.

Issues Under 35 U.S.C. 102(b)

Claims 1-15 stand rejected under 35 U.S.C. 102(b) as being anticipated by Nakayama et al. (JP 2003/132893) (hereinafter JP '893). Applicants respectfully traverse.

Applicants note that the present application is the national phase of PCT /JP2004/005769, filed on April 22, 2004. As such, the effective U.S. filing date of this application is April 22, 2004.

JP '893, having a publication date of May 9, 2003, is not prior art against the present invention under 35 U.S.C. 102(b), as it was not published more than one year prior to the filing date of the present application. Instead, JP '893 is prior art under 35 U.S.C. 102(a) as of its publication date of May 9, 2003.

The present application claims priority on Japanese Priority Application 2003-120463, filed on April 24, 2003 in Japan. A verified English translation of the Japanese priority document is enclosed herewith, thereby perfecting Applicants' priority claim. This document fully supports the presently pending claims, as follows:

- (1) Claim 1 of the present application is supported by claim 1 of '463.

- (2) Claim 2 of the present application is supported by claims 1 and 2 of '463.
- (3) Claim 3 of the present application is supported by claims 1-3 of '463.
- (4) Claim 4 of the present application is supported by claims 1-4 of '463.
- (5) Claim 5 of the present application is supported by claims 1-5 of '463.
- (6) Claim 6 of the present application is supported by claim 6 and paragraphs [0028]-[0030] of '463.
- (7) Claim 7 of the present application is supported by claim 7 and paragraphs [0028]-[0030] of '463.
- (8) Claim 8 of the present application is supported by claim 8 of '463.
- (9) Claim 9 of the present application is supported by paragraph [0033] of '463.
- (10) Claim 10 of the present application is supported by paragraph [0044] of '463.
- (11) Claim 11 of the present application is supported by claim 9 of '463.
- (12) Claim 12 of the present application is supported by claim 10 of '463.
- (13) Claim 13 of the present application is supported by claim 2 and paragraphs [0026]-[0027] of '463.
- (14) Claim 14 of the present application is supported by claim 2 and paragraphs [0026]-[0027] of '463.
- (15) Claim 15 of the present application is supported by claim 2 and paragraphs [0028]-[0030] of '463.

In view of the above, Applicants submit that JP '893 is not prior art against the present invention. Reconsideration and withdrawal of this rejection are thus respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and objections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Vanessa Perez-Ramos, Reg. No. 61,158 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: **SEP 24 2009**

Respectfully submitted,

By 

Marc S. Weiner

Registration No.: 32,181

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

Attachment: Verified English translation of Japanese Priority Application 2003-120463